



**ATTORNEY'S DOCKET NO.: 2004647-0002 (was CEL-002)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gardner et al.  
 Serial No.: 09/872,868  
 Filed: June 1, 2001  
 For: BISTABLE GENETIC TOGGLE SWITCH

Examiner: Leffers, G.  
 Art Unit: 1636

MAILSTOP: ISSUE FEE  
 COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 ALEXANDRIA, VA 22313-1450

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Cellicon Technologies, Inc.

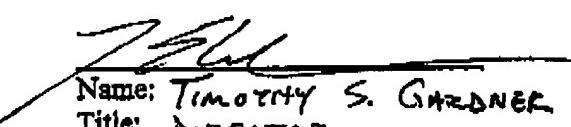
This assertion is made on the ground that Cellicon Technologies, Inc.  
 is a concern

(a) whose number of employees, including affiliates, does not exceed 500 persons;  
 and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 13 CFR §121.802.

Respectfully Submitted,

  
 Name: Timothy S. Gardner  
 Title: DIRECTOR  
 Date: 10/26/04

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